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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/094,539 06/12/98 MACHIN

R 13768.73

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WM01/0705

EXAMINER

FOURSON, G

ART UNIT

PAPER NUMBER

2151

DATE MAILED:

07/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/094,539

Applicant(s)

MACHIN ET AL.

Examiner

Gary S. Fourson

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Page 13: The related application serial numbers and/or patent numbers are missing from the specification. The Examiner requests that Applicant provide the missing numbers in a formal amendment to the specification. Appropriate correction is required.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>o</sup> of this title before the invention thereof by the applicant for patent.

3. **Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hyder et al. (US 5,983,274).**

With respect to claims 1 and 7, Hyder et al. teaches utilization of an integrating component 102 facilitating communication between upper layers 106 (applications) and connection-oriented I/O subsystem. [col. 12 lines 49 et seq.] As to representing the characteristics of an underlying connection-oriented device to an application over a known application-level interface, Hyder et al. teach interface connection between device 20 and upper layers of code [applications]. Applications routinely have at least one application-level interface command for network (driver) communication.

As to claims 2, 3, 4, 8 and 9, Hyder teaches having data transport components interacting with applications and the data transport interface [integrating component], sending instructions to the integrating component for directing data and data control information [col. 8 lines 35-50], receiving an identifier [class ID field 122a] to access the data.

### *Claim Rejections - 35 U.S.C. § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyder et al. (US 5,983,274).

With respect to claims 5 and 6, Hyder et al. teaches utilization of an integrating component 102 facilitating communication between upper layers 106 (applications) and connection-oriented I/O subsystem. [col. 12 lines 49 et seq.], also simplified device driver [drivers 42 and 44], also data transport protocol driver [46 and 48], providing an abstracted connection interface [col. 9 lines 54-65], providing facility [registry/connectivity information 32] for associating a client connection, receiving abstract connection creation and control commands [col. 9 lines 54-65; col. 8 lines 35-50], and returning an identifier [class ID field 122a] to an application. Hyder does not teach proxy driver interfacing nor redirection through a proxy interface.

Proxies have been routinely utilized to locally represent a remote function or collection of functions such as those utilized in CORBA middleware. It would have been obvious to cause redirection of data and data control information, because utilization of middle-ware such as the prior art proxy representation leads to redirection of data through that proxy interface.

***Pertinent Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kurio (US 5,774,640) teaches utilization of logical device drivers for fault tolerant network interface control.

Cleron et al. (US 5,724,506) teaches replaceable connection dialog component architecture for a highly-modular cooperating layered-arrangement.

***Conclusion***

Any inquiry concerning this communication should be directed to Gary Fourson at telephone number (703) 305-4392 or E-mail at the address gary.fourson@uspto.gov.

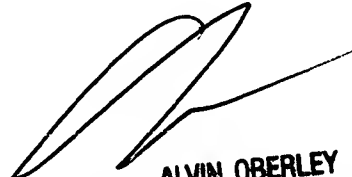
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax numbers for formal (703-308-9051), to be intended for entry into the application, or informal (703-305-9731) communications may be utilized for expedited transactions.

gsf

July 2, 2001



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